

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 EA-10 IO-14 ISO-00 L-03 FRB-03
OMB-01 ITC-01 SP-02 ICA-11 AGRE-00 AID-05 CIAE-00
COME-00 INR-10 LAB-04 NSAE-00 OIC-02 SIL-01
OPIC-03 STR-07 TRSE-00 CEA-01 SS-15 AF-10 ARA-11
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FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 2295
INFO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY TOKYO
USMISSION GENEVA

C O N F I D E N T I A L BONN 17949

PARIS ALSO FOR USOECD

E. O 11652: GDS
TAGS: UNCTAD, EGEN, OECD, EINV, EIND, GW
SUBJECT: CODE OF CONDUCT ON TRANSFER OF TECHNOLOGY--
UN CONFERENCE, OCT. 16 - NOV. 10, 1978

REF: STATE 246466

1. IN ABSENCE OF ASSISTANT SECRETARY STEEG OF FRG
ECONOMICS MINISTRY ECONCOUNSELOR AND EMBOFF MADE
DEMARCHE PER REFTEL SEPTEMBER 28 TO DAS
MUELLER-THUNS, WHO WAS ACCOMPANIED BY MESSRS. VON WEYHE
AND KOINZER. COPY OF NON-PAPER WAS ALSO GIVEN TO
VON SCHUBERT OF FRG FOREIGN OFFICE.

2. FRG OFFICIALS STATED THAT THEY WERE PLEASED THAT
THE U.S. DECIDED TO PARTICIPATE IN THE CONFERENCE. VON
WEYHE SAID THE FRG HAD NO PROBLEMS WITH THE U.S. PAPER
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(TAB 1 OF REFTEL) AND WOULD BE PLEASED TO SEE A FINAL
VERSION ALONG THOSE LINES. HE DID, HOWEVER, EXPRESS
RESERVATIONS ABOUT THE U.S. TACTICAL APPROACH TO
ACHIEVING SUCH A VERSION.

3. THE FRG OFFICIALS SAW SOME DANGER IN THE U.S.
ADOPTING A TENTATIVE FINAL VERSION FROM WHICH IT WOULD

NOT DEVIATE, AS THIS TIES ONES HANDS FROM THE START AND DOES NOT ALLOW ENOUGH FLEXIBILITY TO ACCEPT POSSIBLE ALTERNATIVES. THE FRG, THEY ADDED, IS VERY INTERESTED IN SEEING THE SOLIDARITY OF GROUP B PRESERVED AND TO THIS END IT IS WILLING TO BE FLEXIBLE ON SOME OF THE POINTS IN THE U.S. PAPER.

4. AS EXAMPLES OF ELEMENTS REQUIRING MORE FLEXIBILITY, VON WEYHE NOTED THAT POINT 2A (DEALING WITH ADOPTION OF NATIONAL REGULATIONS) AND POINT 2B (DEALING WITH PARTY AUTONOMY IN THE CHOICE OF LAW AND FORUM) MIGHT MEET WITH SOME OBJECTIONS AND GO AGAINST NATIONAL LEGISLATION. HE FEELS THAT SOME COMPROMISE MIGHT BE NECESSARY HERE. ALSO, HE MENTIONED THAT THE FRG MIGHT BE WILLING TO GIVE UP SOME POINTS (SUCH AS EFFECTIVE PROTECTION OF INDUSTRIAL PROPERTY RIGHTS) FOR OTHERS (PROPER REGARD FOR EXISTING RIGHTS OF PARTIES), PARTICULARLY SINCE THE LATTER POINT COULD BE INTERPRETED TO INCLUDE THE FORMER. HE DOES NOT DISAGREE WITH THE U.S. POINTS, HE STRESSED; HE ONLY WANTS TO HAVE ROOM TO MANEUVER.

5. IN RESPONSE TO A QUESTION ON THE PROBABLE OUTCOME OF THE UPCOMING CONFERENCE, VON WEYHE SAID HE DID NOT SEE A CHANCE FOR A TOTAL SOLUTION BY 10 NOVEMBER, BUT HE WAS VERY HOPEFUL THAT SUFFICIENT PROGRESS COULD BE ACHIEVED TO IMPROVE THE ATMOSPHERE BEFORE

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UNCTAD V AND UNCSTD. HE FELT THAT, IN ORDER TO MAKE SUCH PROGRESS, THE EASIER ITEMS SHOULD BE TAKEN UP FIRST AND THE MORE DIFFICULT ITEMS LATER.

6. WITH RESPECT TO THE U.S. CONCERN WITH THE QUESTION OF BALANCE OF THE VARIOUS ARTICLES IN THE AGREEMENTS, VON WEYHE SAID, AS FAR AS THE FRG IS CONCERNED, PAST AGREEMENTS WERE NOT ALWAYS BALANCED. HE URGED THAT WE NOT MAKE TOO MUCH OF AN ISSUE OF THE QUESTION OF "BALANCE".

7. FINALLY, MUELLER-THUNS NOTED HIS UNEASINESS BECAUSE THE U.S. CONTINUED TO IDENTIFY "GROUPS" OF COUNTRIES WITHIN GROUP B. HE IS WORRIED THAT, SHOULD THE SMALLER GROUP B COUNTRIES GET THE FEELING THAT THE FIVE ARE WORKING BEHIND THEIR BACKS, THIS COULD RESULT IN RESENTMENT WHICH WOULD BE COUNTERPRODUCTIVE. AGAIN HE STRESSED THAT THE FRG IS VERY CONCERNED THAT OVERALL GROUP B SOLIDARITY BE MAINTAINED.

8. THE CHAIRMAN OF THE FRG DELEGATION WILL BE FRG AMBASSADOR TO GENEVA DR. PER FISCHER.

STOESSEL

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